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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,184	07/23/2001	Peter David Stokes	24615.00300	2589

7590

03/12/2003

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EXAMINER
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TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/911,184

Applicant(s)

STOKES ET AL.

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 9, 11, 12, 21 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 10, 13-20, 22, 23 and 27-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6,8,9,11,12,21 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (5,775,01).

3. Chen discloses the structural limitations of the following method claims:

- Providing an elongate hollow outer member and an elongate inner member having photo luminescent material on at least one side said outer member being of unitary box-section having first and second major wall portions and opposed side wall portions, said first and second major wall portions extending between and integral with said side wall portions to define a longitudinally extending slot, and push-fitting said inner member in said outer member from one end of said outer member whereby said inner member is surrounded and enclosed by said first and second major wall portions of opposed side wall portions of said outer member (fig 3)
- Said outer member is made of alight transmitting material (13)
- The outer member is made of transparent or translucent plastics;
- Inner member is sufficiently rigid to be push fitted in said outer member (col. 5, lines 1-5);

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- The inner member is removable from said outer member.
- The outer member is formed with an internal longitudinal slot for inserting said inner member (fig 3);
- Providing an elongate hollow outer member and an elongate inner member having photo luminescent material on at least one side, and push-fitting said inner member in said outer member from one end, wherein said track can be laid to present either one of two major surfaces of said outer member uppermost with said photo luminescent material of said inner member disposed to emit light through said uppermost surface (fig 3)
- Providing an elongate hollow outer member and an elongate inner member having photoluminescent material on at least one side, and push-fitting said inner member in said outer member from one end, wherein said outer member is compressed in a direction transverse to its length after said inner member has been inserted to reduce the depth of said track (fig 3);
- A photo luminescent track for an emergency lighting system comprising an elongate hollow outer member or unitary box-section having first and second major wall portions and opposed side wall portions said first and second major wall portions extending between and integral with, said side wall portions to define a longitudinally extending slot, and an elongate inner member extending lengthwise of said slot and having photo luminescent material on one side covered by one of said major wall portions of said outer member, wherein said inner member is push-fit from one end of said slot for assembly of said track with

said inner member surrounded and enclosed by said first and second major wall portions and opposed side wall portions of said outer member, and said one major wall portion of said outer member is made of a material to transmit light emitted by said photoluminescent material (fig 3).

***Allowable Subject Matter***

4. Claims 32-34 are allowed.
5. Claims 5,7,10,13-20,22,23,27-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose the following:
  - A photo luminescent track for an emergency lighting system comprising an elongate hollow outer member having first and second major wall portions connected by opposed side wall portions to define a longitudinally extending slot, and an elongate inner member extending lengthwise of said slot and having photo luminescent material on one side covered by one of said major wall portions of said outer member, wherein said inner member is push-fit from one end of said slot for assembly of said track, and said one major wall portion of said outer member is made of a material to transmit light emitted by said photo luminescent material, wherein said outer surface of at least that major wall portion overlaying said photo luminescent material is provided with formations

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having anti-slip characteristics, and wherein said formations are restricted to side edge regions of said outer surface.

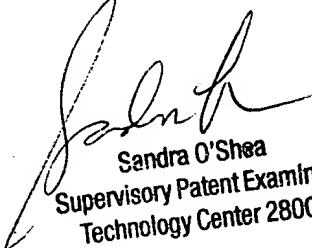
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT  
March 10, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800

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